

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 183

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#### Sub-Chapter 1

#### Organizational Rules

24.183.101 BOARD ORGANIZATION (1) The board of professional engineers and land surveyors hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-67-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

#### Sub-Chapter 2

## Procedural Rules

24.183.201 PROCEDURAL RULES (1) The board of professional engineers and land surveyors hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-67-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.202 PUBLIC PARTICIPATION RULES (1) The board of professional engineers and land surveyors hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 37-67-202, MCA; IMP, 2-3-103, MCA; NEW 1978 MAR p. 77, Eff. 1/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 3

### Definitions

24.183.301 DEFINITION OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS (1) The term "responsible charge" directly relates to the degree of control a licensee is required to maintain while exercising independent control and direction of engineering or land surveying work and to the decisions which can be made only under the direct supervision of a professional engineer or a professional land surveyor.

(a) The degree of control necessary to be in responsible charge shall be such that the licensee:

(i) personally makes engineering or land surveying decisions, or reviews and approves proposed decisions prior to their implementation, including consideration of alternatives, whenever technical decisions are made. In making engineering or land surveying decisions, the licensee must be physically present or through the use of communication devices, can be available in a reasonable period of time; and

(ii) judges the qualifications of technical specialists and the validity and applicability of their recommendations before such recommendations are incorporated in the work.

(b) To be considered in responsible charge of a project, the professional licensee who signs engineering or land surveying documents must be capable of answering questions asked by equally qualified professionals. These questions would be relevant to the decisions made during the individual's participation in the project and require responses in sufficient detail to leave little question as to the licensee's technical knowledge of the work performed. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the individual in responsible charge made the decisions and possessed sufficient knowledge of the project to make the

decisions.

(i) examples of questions to be answered by the engineer could relate to criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly define the degree of control and how it is exercised within the organization and geographically and to demonstrate that the engineer is answerable within that degree of control.

(ii) examples of questions to be answered by the land surveyor could relate to criteria for design, methods of analysis and conclusions made including, but not limited to, the retracement of government surveys, interpretation and construction of deeds, application of proportion methods and analysis of evidence related to unwritten property rights. The individual should be able to clearly define the degree of control and how it is exercised within the organization and geographically and to demonstrate that the land surveyor is answerable within that degree of control. (History: 37-67-202, MCA; IMP, 37-67-101, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.302 DIRECT SUPERVISION (1) The term "direct supervision" means the licensee, by regular participation, has exercised directing, guiding and restraining power on matters embodied in the plans, designs, and advice involved in the engineering or land surveying work and accepts responsibility for the contents. After-the-fact review or checking of technical submissions does not satisfy the "exemption" provision of 37-67-103(3), MCA. (History: 37-67-202, MCA; IMP, 37-67-103, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 4

### General Provisions

24.183.401 BOARD ELECTED OFFICERS (1) The board shall elect from its members a presiding officer, vice-presiding officer and a secretary annually.

(2) The presiding officer shall be the executive officer of the board. When present, the presiding officer shall preside at all meetings and shall appoint such committees as the board may authorize from time to time. The presiding officer shall sign all certificates and other official papers and shall perform all other duties usually pertaining to the office of presiding officer and permitted by law.

(3) The vice-presiding officer, in the absence of the presiding officer, shall perform the duties delegated to the presiding officer in the preceding subsections, except the presiding officer shall sign all official papers of the board.

(4) In the absence of the presiding officer and vice-presiding officer from a regular or special meeting of the board, the remaining members shall appoint a board member to

serve as the presiding officer, who shall serve until the conclusion of the meeting or until the arrival of the elected presiding officer. (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1687, Eff. 12/8/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.402 BOARD MEETINGS (1) The board shall hold at least two meetings annually, with 10 days notice, and as called by the presiding officer. (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.403 BOARD SEAL (1) The seal of the board shall be an embossed circular seal, one and one-half inches in diameter, consisting of two concentric circles. The inner circle shall contain the Great Seal of the state of Montana and the seal shall contain the wording: "Montana Board of Professional Engineers and Land Surveyors". (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.404 FEE SCHEDULE (1) Fees shall be transmitted to the board of professional engineers and land surveyors. The board assumes no responsibility for loss in transit of such remittances. Applicants not submitting the proper fees will be notified by the department.

(2) In every case, should the board deny the issuance of a certificate to any applicant, the initial fee deposited shall be retained by the board as an application fee.

(3) Fees are as follows:

(a) Engineer interns	
(i) Initial application and examination	\$ 80
(ii) Re-examination	70
(b) Land surveyor interns	
(i) Initial application and examination	95
(ii) Re-examination	85
(c) Professional engineers	
(i) Initial application and examination for Montana engineer intern	150
(ii) Initial application and examination for non-Montana engineer intern	170
(iii) Re-examination	130
(iv) Application by comity	250
(d) Professional land surveyors	
(i) Initial application and examination	175
(ii) Re-examination for principles and practices examination	140
(iii) Re-examination for Montana law specific	25

(iv) Application by comity	250
(e) Certificate of authority	
(i) Initial application	\$ 60
(f) Biennial renewal fees	
(i) Professional engineer	90
(ii) Professional land surveyor	90
(iii) Dual license as a professional engineer and land surveyor	110
(iv) Certificate of authority	25
(g) Late renewal fees post marked after June 30 of even number years. The late renewal fee is in addition to the biennial renewal fees stated above.	
(i) Professional engineer	45
(ii) Professional land surveyor	45
(iii) Dual license as a professional engineer and land surveyor	55
(iv) Certificate of Authority	12.50
(h) Miscellaneous fees	
(i) Emeritus application	25
(ii) Reactivation from emeritus status	250
(iii) Reactivation from inactive status	60
(iv) Reschedule fee for examinations	25
(History: 37-1-134, 37-67-202, MCA; <u>IMP</u> , 37-1-134, 37-1-319, 37-67-303, 37-67-312, 37-67-313, 37-67-315, 37-67-320, 37-67-321, MCA; Eff. 12/31/72; <u>AMD</u> , 1978 MAR p. 903, Eff. 6/24/78; <u>AMD</u> , 1979 MAR p. 1687, Eff. 12/28/79; <u>TRANS</u> , from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; <u>AMD</u> , 1982 MAR p. 2134, Eff. 12/17/82; <u>AMD</u> , 1984 MAR p. 922, Eff. 6/15/84; <u>AMD</u> , 1986 MAR p. 1958, Eff. 11/29/86; <u>AMD</u> , 1987 MAR p. 1555, Eff. 9/11/87; <u>AMD</u> , 1988 MAR p. 1979, Eff. 9/9/88; <u>AMD</u> , 1997 MAR p. 196, Eff. 1/28/97; <u>AMD</u> , 2000 MAR p. 743, Eff. 3/17/00; <u>AMD</u> , 2001 MAR p. 2288, Eff. 11/22/01; <u>AMD</u> , 2002 MAR p. 1326, Eff. 4/26/02; <u>TRANS</u> , from Commerce, 2002 MAR p. 1756.)	

Rules 24.183.405 through 24.183.408 reserved

#### 24.183.409 AFFILIATION WITH NATIONAL ASSOCIATIONS

(1) The board may affiliate with the national council of examiners for engineering and surveying (NCEES). Any delegate or delegates to the council appointed by the board shall attend meetings of the council at the expense of the board. (History: 37-67-202, MCA; IMP, 37-67-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 2935, Eff. 11/11/94; TRANS, from Commerce, 2002 MAR p. 1756.)

### Sub-Chapter 5

#### Licensing

24.183.501 APPROVAL OF SCHOOLS (1) Baccalaureate engineering or engineering technology programs accredited by the accreditation board for engineering and technology (ABET) or equivalent curricula as approved by the board shall meet the

educational requirement.

(2) The board will make a list available that shows the Montana schools offering surveying curricula acceptable to the board. All course credits acceptable as transferable to the surveying curricula of any school approved by the board will be acceptable by the board when transfer is accomplished by the applicant. (History: 37-67-202, MCA; IMP, 37-67-306, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.502 APPLICATIONS (1) Applications received by the department must be on a board approved form and accompanied by appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be returned to the applicant with instructions. Fees will be deposited as received. (History: 37-67-202, MCA; IMP, 37-67-303, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.503 APPLICATION REFERENCES (1) The applicant shall arrange for the submission of completed reference forms as described in 37-67-305 and/or 37-67-308, MCA. The application must include a reference form, which the applicant shall provide to the references listed on the application. The reference form must be received directly from the applicants' references. For each working engagement listed showing experience, at least one individual shall serve as a reference for that engagement.

(2) No reference will be accepted by the board unless the reference form is fully completed and bears the signature of the reference. Until such time as the required reference forms are received, the board will not take action on the application. If the required reference forms are not received within a period of three months after the date of receipt of the application in the office of the board, the application shall be rejected and the application fees forfeited. (History: 37-67-202, MCA; IMP, 37-67-303, 37-67-305, 37-67-308, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.504 DISPOSAL OF APPLICATIONS (1) The board, after due consideration of an application and of information pertaining thereto:

(a) will find the applicant eligible to sit for the appropriate exam; or

(b) request the applicant to furnish such additional



information as may be necessary; or

(c) advise the applicant of the application's rejection in accordance with provisions of the law.

(2) A rejected applicant may request reconsideration under the section originally applied for, within one year of the date of notification, without additional fees. Additional evidence pertaining to the application must be furnished. However, reconsideration does not take into account experience or education subsequent to the date of application.

(3) An applicant who applies under a different section than that previously submitted shall submit a new complete application accompanied by the appropriate fee. (History: 37-67-202, MCA; IMP, 37-67-303, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; TRANS, from Commerce, 2002 MAR p. 1756.)

Rules 24.183.505 through 24.183.508 reserved

24.183.509 EXAMINATION PROCEDURES (1) The examinations required are defined in 37-67-311, MCA.

(2) Applicants will be notified of the time and place of examination at least 30 days in advance. The applicant will not be allowed to reschedule the examination without approval by the board or its designee, if the board is not advised 30 days in advance of the examination date of the extenuating circumstance which requires rescheduling. If the board does not approve the rescheduling, the applicant will have to pay a rescheduling fee.

(3) A passing grade of 70% in each part of the examination will be required.

(4) A candidate failing to pass any examination may take that examination a second time at a subsequent examination period upon payment of the re-examination fee specified by ARM 24.183.405. However, if more than three examination dates have passed since the candidate's original failure, the candidate must submit a new application and pay the appropriate application and test fee specified by ARM 24.183.1105 before the candidate will be re-examined.

(5) The examinee may review the examination paper in the board office within 60 days after being notified of the status.

No notes are to be made nor any marks made on the examination paper.

(6) The examination documents (test papers) will be retained in the examinee's file for a period of two years, and then destroyed. (History: 37-1-134, 37-67-202, MCA; IMP, 37-1-134, 37-67-311, MCA; Eff. 12/31/72; AMD, Eff. 11/4/74; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.510 GRANT AND ISSUE LICENSES (1) At the time an

applicant is voted licensure by the board, the applicant will be assigned a license number and issued a license as a professional engineer and/or professional land surveyor as appropriate. These numbers will be issued consecutively in the order in which the applications are approved by the board. The applicant will be advised of the license number in the notice sent to the applicant.

(2) A license authorizing the practice of professional engineering or land surveying will be granted by the board and issued by the department after approval of an application and payment of the license fee. The license shall be signed by the presiding officer and the secretary and shall bear the license number of the licensee. (History: 37-67-202, MCA; IMP, 37-67-306, 37-67-309, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1678, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.511 LICENSE SEAL (1) Upon approval of the application by the board, the licensee will be advised that the licensee may secure an official seal. The following seals are authorized:

(a) pocket seal, the size commercially designated as a 1 5/8 inch seal; and

(b) a desk seal or rubber stamp seal the size commercially designated as a 2 inch seal;

(c) the seal will bear the licensee's name, license number and the legend "Licensed Professional Engineer", "Licensed Professional Land Surveyor" or "Licensed Professional Engineer and Professional Land Surveyor".

(2) For stamping plans, specifications and reports, licensees are authorized to use a facsimile made of their official seal. The title page of all sets of plans and all documents filed with public authorities must bear the seal and original signature. (History: 37-67-202, MCA; IMP, 37-67-314, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.512 APPLICATION FOR EMERITUS STATUS (1) A registrant who has terminated his practice of engineering or land surveying may apply for a certificate of emeritus status by submitting to the board a completed application therefore accompanied by the fee established by ARM 24.183.405. (History: 37-67-202, MCA; IMP, 37-67-321, MCA; NEW, 1986 MAR p. 1958, Eff. 11/29/86; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 7

### Licensure of Professional Engineers

24.183.701 COMITY FOR PROFESSIONAL ENGINEERS (1) The board may, upon application and payment of proper fee, issue a license as a professional engineer, to any person who submits a national council record issued to the person by proper authority of the national council of examiners for engineering and surveying (NCEES), or verification of licensure from any state or territory or possession of the United States, or any country, provided that the applicant's qualifications meet the requirements of the law and of the rules established by the board. Such applicants shall, as part of their application, complete and send to the department the standard application form. Applicants who have a current council record must complete only the following sections of the application for registration as a professional engineer:

- (a) general information;
- (b) licensure in other states;
- (c) affidavit; and
- (d) a completed engineer laws and rules questionnaire.

(2) Professional engineers applying by comity without an NCEES record are required to complete all sections of the application. The following are also required:

- (a) transcripts;
- (b) five completed reference forms as required by ARM 24.183.503;

(c) verification of taking and passing both the fundamentals of engineering (FE) examination and principles and practice of engineering (PPE) examination from the state of original licensure; and

(d) a completed engineer laws and rules questionnaire. (History: 37-67-202, MCA; IMP, 37-1-304, 37-67-312, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.702 CLASSIFICATION OF EXPERIENCE (1) Engineering experience or land surveying experience shall include the following:

(a) Sub-professional experience gained before graduation. This experience shall be credited to the required pre-professional experience at a maximum of one-half the period of experience. Credible experience may include:

- (i) surveying experience, supervised;
- (ii) engineering experience, supervised;
- (iii) construction experience, supervised.

(b) Pre-professional experience is four years of total progressive experience, all of which is required to be completed at the time of application. Credible experience may include:

- (i) approved sub-professional experience;

(ii) progressive experience on engineering/land surveying projects which indicate the experience is of increasing quality and required greater responsibility;

(iii) experience not obtained in violation of the licensure act;

(iv) experience gained under the supervision of a licensed professional engineer/land surveyor or, if not, an explanation of why the experience should be considered acceptable;

(v) credible teaching experience at an advanced level, post graduate or senior graduate, in a college or university offering an engineering curriculum of four years or more that is approved by the board. Land surveying teaching experience shall also be at an advanced level on a land surveying curriculum approved by the board;

(vi) experience gained in engineering research and design projects by members of an engineering faculty, in an engineering curriculum approved by the board;

(vii) successful completion of graduate study leading to the master's degree in engineering, which has followed a baccalaureate degree in engineering, as credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, two year's total experience may be credited, including the one year credited for the master's degree, in the two year's total. If the Ph.D. is obtained without the master's degree, two year's experience may be credited. All degrees shall have been obtained from colleges or universities with board approved programs.

(2) Experience must be completed at the time of application. Experience time cannot be counted during periods counted for education.

(3) Experience should be gained under the supervision of a registered professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable.

(4) Upon request by the board, an applicant must demonstrate knowledge of fundamental principles of engineering design and the practical solution of engineering problems.

(5) Land surveying experience must include a substantial portion spent in charge of work related to property conveyance and/or boundary line determination.

(6) Upon request by the board, land surveyor applicants must demonstrate adequate experience in the field aspects of the profession.

(a) Land survey experience such as section breakdowns, retracing old boundaries, establishing new boundaries, corner search and re-establishment, calculations and preparations of certificates of surveys, deed searches and corner recordation, consists of work done under the supervision of a registered professional land surveyor.

(b) Other survey experience is survey work which may or may not be done under the supervision of a registered professional land surveyor. It includes such work as construction layout of buildings and miscellaneous structures; surveys necessary to obtain data and location of highways, roads, pipelines, canals,

etc.; construction staking for land modification; and construction staking for highways, roads, utilities, etc. (History: 37-67-202, MCA; IMP, 37-67-306, 37-67-309, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1998 MAR p. 534, Eff. 2/27/98; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 8

### Licensure of Professional Land Surveyors

24.183.801 COMITY CONSIDERATION FOR PROFESSIONAL LAND SURVEYORS (1) Licensed land surveyors from any state or territory or possession of the United States, or of any country, can apply for comity consideration. Comity applicants shall meet the minimum requirements of the law and rules established by the board. Applicants shall complete and send to the department the standard application and appropriate fees based on one of the following:

(a) Applicants who have a current national council of examiners for engineering and surveying (NCEES) record must request a copy of their record be sent to the board office. In addition, they must complete only the following sections of the application for licensure as a professional land surveyor: (i)

general information;

(ii) licensure in other state;

(iii) affidavit; and

(iv) the land surveyor laws and rules questionnaire.

(b) If the comity applicant does not have a NCEES record, the entire application must be completed and submitted. The applicant shall submit the following within three months of the boards' receipt of a completed application:

(i) college or university transcripts when applicable;

(ii) five completed reference forms as required by ARM 24.183.503;

(iii) verification of licensure from state of original licensure which includes verification of passing the fundamentals of land surveying and principles and practices of land surveying examinations; and

(iv) the land surveyors laws and rules questionnaire.

(2) Once approved by the board, all comity applicants shall pass a closed book, state-specific, land surveying examination. (History: 37-67-202, MCA; IMP, 37-1-304, 37-67-313, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 9 reserved

## Sub-Chapter 10

### Corner Recordation Requirements

24.183.1001 FORM OF CORNER RECORDS - INFORMATION TO BE INCLUDED (1) The form for recordation of corners pursuant to the Corner Recordation Act of Montana has been approved by the board of professional engineers and land surveyors. The approved version was adopted by the board on July 1, 1981. Blank corner record forms can be obtained from the Montana Association of Registered Land Surveyors, 82 Stonecrest Drive, Kalispell, Montana 59901 or by contacting the association directly at (406) 756-0680.

(2) The information to be included in a corner record is as follows:

(a) Original and subsequent record: This item should describe or quote those portions of the original or subsequent record which were used in evaluating the corner position. The original record will usually be the general land office field notes. Subsequent record can come from several sources: previously filed corner records, maps and plats, private and public records, etc. Some of the subsequent record, even though not in the public record, but known to have validity by the surveyor, may be quoted and appropriately noted. The record data helps support the reestablished corner position because they clearly show what history the surveyor based his corner position on. In some cases, however, the record may be unknown or not pertinent. A statement to that effect should appear on the corner record.

(b) Description of evidence found or method of locating corner position: This item will describe the original or subsequent record evidence found. If portions of the found evidence cannot be reconciled with the record, then the disregarded record should be noted, and if possible, an opinion as to its cause narrated. If no physical evidence of the original or subsequent monuments and accessories can be found, then the method used to reestablish the lost or obliterated corner (single proportion, fence intersection, parol evidence, terrain calls, centerline or road, etc.) shall be indicated.

(c) Description of monuments and accessories set to perpetuate the corner position: This item should list all details about the corner and its location which will help exclusively identify the corner position; including size and type of monument, how marked if not shown in sketch, and distinguishing topographic calls which help locate the corner. In many cases, instructions on how to find the corner should be included. References or ties to other corners are optional and may be drawn on the face or back of the corner record form, or references to certificate of survey may be made. Separate drawings may be attached to the corner form. If state plane coordinate values for the corner position are shown, then the control upon which they are based should be indicated.

(d) Sketch of corner: This item will usually show how a found or set corner is marked and may also show topography or

accessory monuments found or set and their relation to the corner. There is no stipulated format; the sketch could be transcribed field note entries.

(e) Certification: The name and signature of the ground party chief is optional. The surveyor who performed or directed the field work which is depicted on the "certified corner record" shall sign and affix his seal in the certification. The employer blank is optional but useful in tracking down original field note data or adjacent record if, in the future, questions arise about the corner.

(f) Cross index and section diagram: The cross index at the bottom of the page should be completed by the surveyor. Only the single township index where the corner is filed shall be completed. The lower righthand corner is a corner location diagram and should have the pertinent section filled in at the top and a closed circle indicating the appropriate corner position in the section filled in. This is intended to be an aid in searching the "record" once it has been filed. (History: 70-22-107, MCA; IMP, 70-22-107, MCA; NEW, 1983 MAR p. 645, Eff. 6/17/83; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

Sub-Chapters 11 through 14 reserved

Sub-Chapter 15

Shop Drawings

24.183.1501 FIRE PROTECTION SHOP DRAWINGS (1) When fire protection shop drawings are used to finalize engineering concepts:

(a) The licensee (a licensed professional engineer) shall provide the design concept adequate for shop drawing preparation by others. The design concept for sprinkler systems must include as a minimum:

(i) the density and water flow pressure requirements for the sprinkler system design;

(ii) the classification of commodities to be protected; and

(iii) confirmation of adequate water supply.

(b) A properly qualified technician or licensee shall execute the design concept and prepare shop drawings. Shop drawings for sprinkler systems must include as a minimum:

(i) layout of risers;

(ii) cross-mains;

(iii) branch lines;

(iv) sprinkler heads;

(v) sizing of pipe;

(vi) hanger locations; and

(vii) hydraulic calculations, in accordance with the design concepts.

(2) The licensee should not seal the shop drawings. A letter of review must be prepared indicating the licensee's acceptance of the shop drawings as being in accordance with the design concept. Such review letter may be made available to

appropriate jurisdictional authorities and interested parties.

(3) For the purposes of (1)(b), a "qualified technician" is a person who has at least one of the following qualifications:

(a) a national institute for certification in engineering technologies (NICET) level III technician certification;

(b) a NICET level IV technician certification; or

(c) 20 years experience in the field of automatic sprinkler layout in Montana, with the end of the 20-year experience term terminating February 1, 2002.

(4) A licensee shall not be required to provide design concepts or letter of review for:

(a) projects exempt from building code requirements for fire protection;

(b) remodeling involving less than 100 sprinklers to an existing fire protection system, provided there is no change in occupancy classification, storage configuration, or other change in occupancy use that would require design concept modifications; or

(c) routine maintenance, when accomplished in accordance with national fire protection association (NFPA) standard #25, "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems."

(5) Information regarding the organizations referred to in this rule can be obtained from:

(a) NICET, 1420 King Street, Alexandria, VA 22314, or via the internet at <http://nicet.org>; and

(b) NFPA, PO Box 9101, Quincy, Massachusetts, 02269-9101, or via the internet at <http://www.nfpa.org/Home/index.asp>. (History: 37-67-202, MCA; IMP, 37-67-101, MCA; NEW, 2002 MAR p. 3152, Eff. 11/15/02.)

Sub-Chapters 16 through 20 reserved

Sub-Chapter 21

Renewals and Continuing Education

24.183.2101 EXPIRATION OF LICENSE - RENEWAL

(1) Licenses expire every second year on the date established in ARM 8.2.208 and shall be renewed as outlined in 37-67-315, MCA, upon receipt of the renewal fee set by the board.

(2) The department will notify every licensee by mailing a letter to the address in the roster or to a corrected address 30 to 60 days prior to the date of expiration of the license. The letter will specify the fees for renewal for a two-year period.

The letter will include a form for a statement by the licensee that the licensee has maintained the licensee's professional competency during the preceding biennium. This statement must be signed and returned to the board before the license will be renewed. (History: 37-67-202, MCA; IMP, 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic.,



Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1983 MAR p. 1717, Eff. 1/1/84; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2102 INACTIVE STATUS AND REACTIVATION (1) A licensee may place the license on inactive status by either indicating on the renewal form that inactive status is desired, or by informing the board office, in writing, that an inactive status is desired. It is the sole responsibility of the inactive licensee to keep the board informed as to any change of address during the period of time the license remains on inactive status. Inactive licensees must pay the renewal fee annually to maintain license status.

(2) A licensee may not practice any professional engineering or land surveying work in the state of Montana while the license is in an inactive status.

(3) Upon application and payment of the appropriate fee, the board may reactivate an inactive license if the applicant completes each of the following:

(a) signifies to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana; and

(b) presents satisfactory evidence that the applicant has attended 30 hours of continuing education which comply with the continuing education rules of the board.

(4) In the event an inactive licensee does not maintain a current license in any jurisdiction for the three previous years prior to requesting reinstatement, the board may require the applicant to take the principles and practice of engineering (PE) examination or the principles and practice of land surveying (PLS) examination. (History: 37-1-319, 37-67-202, MCA; IMP, 37-1-319, 37-67-315, MCA; NEW, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2103 LATE RENEWAL (1) Any renewal postmarked after the renewal date specified in ARM 8.2.208 is considered late and subject to a late renewal fee.

(2) The late renewal fee is 50% of the normal renewal fee as shown in ARM 24.183.405.

(3) Failure to receive a renewal notice from the board shall not relieve the licensee of the licensee's obligation to pay renewal fees in such a manner that they are postmarked on or before the renewal date. (History: 37-1-134, 37-67-202, MCA; IMP, 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2134, Eff. 12/17/82; AMD, 1983 MAR p. 1717, Eff. 1/1/84; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2104 EXPIRED CERTIFICATE - RENEWAL GRACE PERIOD

(1) If the process of renewal is not completed within one year of the expiration date of the certificate, the applicant shall be considered a new applicant with all pertinent laws and rules applying. (History: 37-67-202, MCA; IMP, 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2105 CONTINUING PROFESSIONAL COMPETENCY - CONTINUING EDUCATION (1) Every licensee shall meet the continuing professional competency (continuing education) requirements of these regulations for professional development as a condition for licensure renewal. Licensees shall begin accruing credits in 1998, to be reported with the 2000 renewal.

(2) Terms used in this rule are defined as follows:

(a) "Professional development hour (PDH)" means a contact hour (nominal) of instruction or presentation;

(b) "Continuing education unit (CEU)" means a unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course;

(c) "College/unit semester/quarter hour" means credit for courses in ABET approved programs or other related college courses approved in accordance with (5), below;

(d) "Course/activity" means any qualifying course or activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice;

(e) "Dual license" means a person who is licensed as both an engineer and a land surveyor.

(3) Every licensee is required to obtain 30 PDH units during the two-year renewal period. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period.

PDH units may be earned as follows:

(a) successful completion of college courses;

(b) successful completion of continuing education courses;

(c) successful completion of correspondence, televised, videotaped and other short courses/tutorials;

(d) presenting or attending qualifying seminars, in-house courses, workshops or professional or technical presentations made at meetings, conventions or conferences;

(e) teaching or instruction in (a) through (d), above;

(f) authoring published papers, articles or books;

(g) active participation in professional or technical societies;

(h) patents.

(4) The conversion of other units of credit to PDH units is as follows:

(a) one college or unit semester hour ..... 45 PDH

(b) one college or unit quarter hour ..... 30 PDH

(c) one continuing education unit ..... 10 PDH

(d) one hour of professional development in course work,

seminars or professional or technical presentations made at meetings, conventions or conferences ..... 1 PDH

(e) each published paper, article or book ..... 10 PDH

(f) active participation in professional and technical society (each organization) ..... 2 PDH

(g) each patent ..... 10 PDH

(h) for teaching apply multiple of two. (Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.)

(5) The board has final authority with respect to approval of courses, credit, PDH value for courses and other methods of earning credit.

(a) Credit for college or community college approved courses will be based upon course credit established by the college.

(b) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

(c) Credit determination for each published paper, article or book and each patent is the responsibility of the licensee (subject to review as required by the board).

(d) Credit for active participation in professional and technical societies (limited to two PDH per organization) requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.

(6) The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

(a) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name and PDH credits earned;

(b) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or

(c) records as maintained by the professional development registry for engineers and surveyors (PDRES) or other similar repositories. These records must be maintained for a period of three years and copies may be requested by the board for audit verification purposes.

(7) A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) New licensees by way of examination or reciprocity shall be exempt for their first renewal period;

(b) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year;

(c) Licensees experiencing physical disability, illness or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished

to the board;

(d) Licensees who list their occupation as "retired" on the board approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or land surveying services shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or land surveying, professional development hours must be earned before returning to active practice for each year exempted not to exceed the annual requirement for two years.

(8) The number of PDH units required by dual licensees shall remain 30, at least one-third of which shall be obtained in each profession.

(9) All renewal applications will require the completion of a continuing education form specified by the board outlining PDH credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.

(10) If a license is not renewed by the board due to failure of the licensee to meet continuing education requirements, the board will notify the licensee in writing and the licensee shall have 90 days past date of notification to obtain continuing education acceptable to the board. If the licensee notifies the board in writing that the licensee intends to obtain the required continuing education within the 90-day period, the license expiration date will automatically be extended to the end of the 90-day period.

(a) Failure to obtain continuing education acceptable to the board within the 90-day period will result in non-renewal of the license;

(b) A licensee whose license is not renewed by the end of the 90-day period for failing to obtain the satisfactory PDH will be required to reapply, pay the appropriate fee and obtain the necessary PDH during the non-renewal period (not to exceed the annual requirement for two years acceptable to the board.) (History: 37-1-319, MCA; IMP, 37-1-306, 37-1-319, MCA; NEW, 1997 MAR p. 196, Eff. 1/28/97; TRANS, from Commerce, 2002 MAR p. 1756.)

## Sub-Chapter 22

### Unprofessional Conduct

24.183.2201 INTRODUCTION (1) In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules are binding on all licensees.

(a) The board requires that all licensees uphold and advance the honor, integrity and dignity of their engineering and surveying professions within the ethical standards encompassed in this chapter.

(b) All licensees are required to have knowledge of the

laws and rules of their profession and shall understand them. Such knowledge shall encompass the understanding that the practice of engineering and land surveying is a privilege, as opposed to a right.

(2) All licensees shall insure that their communications with others will be clear, complete, accurate, objective, truthful and timely. This includes the report of errors, omissions, mistakes and their remedy when appropriate. (History: 37-1-319, 37-67-202, MCA; IMP, 37-67-301, 37-67-331, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2202 SAFETY, HEALTH AND WELFARE OF THE PUBLIC PARAMOUNT IN THE PERFORMANCE OF PROFESSIONAL DUTIES (1) In the performance of professional duties that are within the scope of the licensee's assigned responsibilities, licensees shall recognize their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and such other authority as may be appropriate.

(2) Licensees shall approve and seal those design documents and surveys which are in conformity with accepted engineering and land surveying standards and are safe for public health, property and welfare.

(3) Licensees having knowledge of any alleged violation of the laws and rules of professional conduct must report all such allegations to the board. (History: 37-1-319, 37-67-202, MCA; IMP, 37-1-316, 37-67-301, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2203 PERFORMANCE OF SERVICES ONLY IN AREAS OF COMPETENCE (1) Licensees shall perform services only in the areas of their competence gained through education or verifiable experience.

(2) Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.

(3) If a question arises as to the competence of a licensee in a specific technical field which cannot otherwise be resolved to the board's satisfaction, the board, upon request of the licensee or on its own volition, may require that the licensee take an appropriate examination. (History: 37-1-319, 37-67-202, MCA; IMP, 37-1-316, 37-67-301, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2204 CONFLICTS OF INTEREST (1) Licensees shall act in professional matters for each employer or client as faithful agents, and shall avoid conflicts of interest.

(2) Licensees shall disclose all known or potential conflicts of interest to their employers and clients by promptly informing them of any business association, interest or other circumstances which could influence their judgement or the quality of their services.

(3) Licensees shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(4) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents or other parties in connection with work for their employers or clients for which the licensee is responsible.

(5) Licensees in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organizations.

(6) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority. (History: 37-1-319, 37-67-202, MCA; IMP, 37-1-316, 37-67-301, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2205 AVOIDANCE OF IMPROPER SOLICITATION OF PROFESSIONAL EMPLOYMENT (1) Licensees shall not attempt to supplant other licensees or firms from work that is in progress. This prohibition shall not preclude an engineer/ surveyor from responding to a client/owner initiated solicitation for a second opinion.

(2) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other licensees, nor indiscriminately criticize other licensees' work.

(3) The licensee shall accurately represent to a prospective or existing client or employer the licensee's qualifications and scope of the licensee's responsibility in connection with work for which they are claiming experience. (History: 37-1-319, 37-67-202, MCA; IMP, 37-1-316, 37-67-301, 37-67-331, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 1701, Eff. 8/31/90; AMD, 1997 MAR p. 196, Eff. 1/28/97;

AMD, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2206 ISSUANCE OF PUBLIC STATEMENTS (1) Public statements may only be issued in an objective and truthful manner.

(a) Licensees shall be objective and truthful in professional reports, statements and testimony.

(b) Licensees may express publicly a professional opinion on technical subjects only when the opinion is founded upon adequate knowledge of the facts and competence in the subject matter.

(c) Licensees shall issue no statements, criticism or arguments on technical matters which are inspired or paid for by interested parties, unless the licensees have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest the licensees may have in the matters. (History: 37-67-202, MCA; IMP, 37-1-316, 37-67-301, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756.)

Sub-Chapter 23 reserved

Sub-Chapter 24

Complaint Procedures

24.183.2401 SCREENING PANEL (1) The board screening panel shall consist of one professional engineer board member; one land surveyor board member; and one public board member, as chosen by the presiding officer. The presiding officer may reappoint screening panel members, or replace screening panel members as necessary at the presiding officer's discretion. (History: 37-67-202, MCA; IMP, 37-1-307, MCA; NEW, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.2402 COMPLAINT PROCESS (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and must be filed on the proper complaint form prescribed by the board. The board form shall contain a release of records statement, to be signed by the complainant.

(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign the complaint a complaint number. The complaint will then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, or the expiration of time for submitting a response, both complaint and response (if any) shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a

finding of reasonable cause of violation of a particular or specific statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel will not act upon anonymous complaints. (History: 37-67-202, MCA; IMP, 37-1-308, 37-1-309, 37-67-331, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1994 MAR p. 2935, Eff. 11/11/94; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)